

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:20-cr-00238-JRS-TAB-2
)	
)	
DARRYL BRENT WALTZ, and)	(-01)
JOHN S. KEELER,)	(-02)
)	
Defendants.)	
)	
)	

DEFENDANTS' RESPONSE TO *SANTIAGO* PROFFER

Defendants, Darryl Brent Waltz (“Mr. Waltz”) and John S. Keeler (“Mr. Keeler”) (collectively, the “Defendants”), by undersigned counsel, pursuant to Fed. R. Evid. 801(d)(2)(E) and *United States v. Santiago*, 582 F. 2d 1128 (7th Circ. 1978), respond to government’s *Santiago* Proffer, Dkt. No. 105, and states:

The Defendants do not concede that the Government has proven any underlying conspiracy which could serve as the basis for admission of Rule 801(d)(2)(E) statements, or that the Government has made sufficient showing under *Santiago*. In particular, the Government’s proffer is largely devoid of any specific statements that it knows will seek to admit under 801(d)(2)(E). Accordingly, the Defendants will object, where appropriate, to the evidence sought to be introduced by the government at trial.

Respectfully submitted,

/s/Russell A. Johnson

Russell A. Johnson, No. 5024-41
JOHNSON & GRAY
63 East Court Street
Franklin, IN 46131
Telephone: (317) 738-3365
Facsimile: (317) 738-3862
rjohnson@jgmlawfirm.com

*Attorney for Defendant Darryl Brent
Waltz*

/s/Jonathan A. Bont

Jonathan A. Bont, No. 28476-49
James J. Bell, No. 21548-49
Paganelli Law Group
10401 N. Meridian St., Suite 450
Indianapolis, IN 46290
Phone: 317.550.1855
Fax: 317.569.6016
E-Mail: jon@paganelligroup.com

L. Barrett Boss (admitted pro hac vice)
Karen D. Williams (admitted pro hac
vice)

COZEN O'CONNOR
1200 19th Street NW, Suite 300
Washington, DC 20036
Telephone: (202) 912-4818
Facsimile: (866) 413-0172
bboss@cozen.com
kwilliams@cozen.com

Counsel for Defendant John S. Keeler

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jonathan A. Bont

Jonathan A. Bont, Attorney No. 28476-49